

Habey

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040388/0110

In re patent application of

Jean-Francois BACH *et al.*

Serial No. 08/986,568

Group Art Unit: 1644

Filed: December 5, 1997

Examiner: G. Ewoldt

For: **METHOD FOR TREATING ESTABLISHED SPONTANEOUS
AUTO-IMMUNE DISEASES IN MAMMALS**

TECH CENTER 1600/2900

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REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. §1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is responsive to a Decision on Appeal that was mailed, on January 9, 2002, in relation to the above-captioned case. This paper is deemed timely filed by March 9, 2002, and applicants therefore believes that no additional fees are required. If this belief is incorrect, the Commissioner is authorized to make appropriate charges or credits to Deposit Account No. 19-0741.

Please amend the application in the manner indicated below.

In the Claims

C1 1. (Amended) A method of treating spontaneous and ongoing auto-immune diseases in humans, comprising administering to a human, in need of such a treatment, a therapeutically effective amount of one or more non mitogenic anti-CD3 active compounds to achieve permanent disease remission through the induction of antigen-specific unresponsiveness, i.e. immune tolerance.

REMARKS

After final rejection, applicants appealed claims 1, 2, 4-7, 9-13 and 16-18 to the Board of Patent Appeals and Interferences. The Board affirmed identified new grounds for rejecting claim 1 under 35 U.S.C. § 102(b), based upon Chatenoud *et al.* All other grounds for rejection were reversed, and so only the anticipation rejection of claim 1 remains.

In its decision, the Board also stated that, as to the new rejection, claims 2, 4-7, 9-13 and 16-18 "fall together with claim 1," since applicants had "grouped the claims as standing or